



031904

20427 U.S. PTO

UNITED STATES CONTINUING UTILITY PATENT APPLICATION

under 37 C.F.R. § 1.53(b)

22857 U.S. PTO
10/805073

031904

Page 1

EV436812832US

Atty. Docket No. 04148-00092

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10: The undersigned hereby certifies that this United States Patent Application and all papers noted herein as being attached, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 today, **March 19, 2004**, and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By

Express Mail Label No.: EV 436812832 US

Commissioner for Patents
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Enclosed herewith is a continuing patent application and the following papers:

Inventors (or application identifier): **Saret Cornelis Hesseling and
Petrus Tarasius Josephus Spierings**

Title of Invention: **PLUG FOR INSERTION INTO A BONE CANAL**

- ☒ Continuation
- ☐ Divisional
- ☐ Continuation-in-Part

of prior application No. 10/047,433, filed January 15, 2002.

1. ☒ Specification 12 pages (including specification, claims, abstract) / 40 claims (4 independent), after entry of the Preliminary Amendment.
2. ☒ Declaration/Power of Attorney:
 - ☒ Copy from Prior Application (for continuation or divisional application)
 - ☐ Newly Executed Declaration (for CIP application)
 - ☐ Deferred under 37 C.F.R. § 1.53(f)
 - ☐ Deletion of Inventor(s) - Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b)
 - ☒ Incorporation by Reference - The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein
3. ☒ 5 Distinct sheets of ☒ Formal ☐ Informal Drawings

UNITED STATES CONTINUING UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

Page 2

Atty. Docket No. 04148-00092

4. ☒ Preliminary Amendment is enclosed.
- ☒ Amend the specification by inserting before the first line the sentence --This application is a continuation of U.S. patent application serial number 10/047,433, filed on January 15, 2002; which is a continuation of international application number PCT/NL01/00134, filed on 19 February 2001; which claims priority from European patent application number EP 00200565.0, filed 18 February 2000; European patent application number EP 00200566.8 filed 18 February 2000; and European patent application number EP 00203547.5 filed 12 October 2000, all of which are hereby incorporated herein by reference.--
5. ☒ Information Disclosure Statement
- ☒ Form 1449
- ☐ A copy of each cited prior art reference
6. ☒ Assignment
- ☐ Assignment with Cover Sheet attached
- ☒ Assignment filed in prior application. Application assigned to: **IsoTis N.V.**, Bilthoven, THE NETHERLANDS
7. ☒ Priority is hereby claimed under 35 U.S.C. § 119 based upon the following application(s) (provisional and foreign applications):

Country	Application Number	Date of Filing (day, month, year)
EP	EP 00200565.0	18 FEB 2000 (18.02.2000)
EP	EP 00200566.8	18 FEB 2000 (18.02.2000)
EP	EP 00203547.5	12 OCT 2000 (12.10.2000)

8. ☒ Priority is hereby claimed under 35 U.S.C. § 120 based upon the following application(s):

Country	Application Number	Date of Filing (day, month, year)
US	10/047,433	15 JAN 2002 (15.01.2002)
PCT	PCT/NL01/0013	19 FEB 2001 (19.02.2001)

9. ☐ Priority document(s)
10. ☒ Small Entity Statement
- ☒ Small Entity status was claimed in prior application. Small Entity status is still proper and desired
- ☐ Small Entity status is being claimed hereby.
- ☐ is no longer claimed

UNITED STATES CONTINUING UTILITY PATENT APPLICATION
under 37 C.F.R. § 1.53(b)

Page 3

Atty. Docket No. 04148-00092

11. ☐ Nucleotide and/or Amino Acid Sequence Submission
- ☐ Computer Readable Copy
- ☐ Paper Copy (identical to computer copy)
- ☐ Statement verifying identity of above copies

12. Calculation of Fees:

FEES FOR	EXCESS CLAIMS	FEE	AMOUNT DUE
Basic Filing Fee (37 C.F.R. § 1.16(a))			\$770.00
Total Claims in Excess of 20 (37 C.F.R. § 1.16(c))	20	18.00	\$360.00
Independent Claims in Excess of 3 (37 C.F.R. § 1.16(b))	1	86.00	\$86.00
Multiple Dependent Claims (37 C.F.R. § 1.16(d))	0	290.00	\$0.00
Subtotal - Filing Fee Due			\$1,216.00
	MULTIPLY BY		
Reduction by 50%, if Small Entity (37 C.F.R. §§ 1.9, 1.27, 1.28)	0.50		\$608.00
TOTAL FILING FEE DUE			\$608.00
Assignment Recordation Fee (if applicable) (37 C.F.R. § 1.21(h))	0	40.00	\$0.00
GRAND TOTAL DUE			\$608.00

13. PAYMENT is:

- ☒ The Commissioner is authorized to debit the instant filing fee, in the amount of \$608.00, and any other fees during the pendency of this application under 37 C.F.R. §§ 1.16, 1.17 and 1.18, to Deposit Account No. 19-0733. A duplicate copy of this letter is enclosed.
- ☐ not included, but deferred under 37 C.F.R. § 1.53(f)

14. All correspondence for the attached application should be directed to:

John P. Iwanicki Customer No. 22910
BANNER & WITCOFF, LTD.
28 State Street, 28th Floor
Boston, MA 02109
Telephone: (617) 720-9600
Facsimile: (617) 720-9601

16. Other: Application Data Sheets (3 pages); and return postcard.

Date:

March 19, 2004

By:


John P. Iwanicki, Reg. No. 34,628

JPI/lh

Enclosures